

ILLINOIS POLLUTION CONTROL BOARD  
August 19, 2005

PEOPLE OF THE STATE OF ILLINOIS, )  
)  
Complainant, )  
)  
v. ) PCB 05-66  
) (Enforcement - Water)  
PETCO PETROLEUM CORPORATION, an )  
Indiana corporation, )  
)  
Respondent. )

**HEARING OFFICER ORDER**

On July 12, 2005, complainant filed a motion to strike respondent's objections to certain requests for admission of facts. Complainant also moves the hearing officer to compel responses. Respondent filed a response on July 25, 2005.

In a thirteen-count amended complaint, the People allege that respondent caused or allowed releases of salt water and crude oil from several production areas into different stream reaches. The amounts of the alleged releases from May-December 2004 range from 50 to 300 barrels of salt water, and 1 to 15 barrels of crude oil.

Respondent objected to numerous items in complainant's request to admit facts on the grounds that certain terms used were vague or called for an opinion and/or conclusion of law. Specifically respondent objected to the terms "discolored" or "turbid" when describing the appearance of water; the presence of "unnatural bottom deposits" and "suspended precipitate"; and references to whether the salt water and crude oil "affected" or "impacted" an area.

Given the facts of the case, and the violations alleged, the hearing officer finds that these terms are not vague, and do not impermissibly call for an opinion and/or conclusion of law. Accordingly, complainant's motion to compel responses is granted.

The parties are reminded to participate in a telephone status conference with the hearing officer at 10:00 a.m. on September 27, 2005. The status conference shall be initiated by the complainant.

IT IS SO ORDERED.

Carol Webb

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Carol Webb  
Hearing Officer  
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